



RICK SNYDER  
GOVERNOR

Enclosure 2 of 12  
STATE OF MICHIGAN

DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



C. HEIDI GRETHUR  
DIRECTOR

July 20, 2018

CERTIFIED MAIL – 7016 0340 0001 0595 2360  
RETURN RECEIPT REQUESTED

Mr. John Wagner  
Diamond Chrome Plating Inc.  
604 South Michigan Avenue  
P.O. Box 557  
Howell, Michigan 48844

Dear Mr. Wagner:

SUBJECT: Reimbursement of Past Costs; Diamond Chrome Plating Facility (Facility);  
604 South Michigan Avenue, Howell, Livingston County;  
Facility ID No.: 47000202

Thank you for taking the time to meet with the Department of Environmental Quality (DEQ) management and staff on June 27, 2018. During the meeting the question of the Past Response Activity Costs payment related to the completion of the Contamination Investigation (CI) required pursuant to Section 6.7 of the First Amended Consent Decree (FACD), No. 03-1862-CE was discussed.

Pursuant to Section 6.7 of the FACD, the CI was to be completed by June 30, 2016. At the request of Diamond Chrome Plating (DCP), this deadline was extended by the DEQ to September 30, 2016. Section 6.7 further requires the CI to achieve the performance objectives in Section 6.1(c) of the FACD, which provides that DCP shall "conduct complete investigations of soil and groundwater contamination at the Facility to fully define the vertical and horizontal extent of contamination and an evaluation of groundwater contamination by analysis of contaminant concentrations over time on and off the Property."

In a letter to DCP dated May 31, 2018, the DEQ determined that the CI failed to meet the performance objectives set forth in Section 6.1(c) of the FACD and was therefore not completed by the agreed upon extension date of September 30, 2016. Therefore, pursuant to Section 15.1 of the FACD, DCP is responsible for the payment of \$69,003.19 that corresponded with the CI due date.

DCP has requested that the DEQ hold this payment in abeyance pending further investigations scheduled to begin on July 23, 2018. The DEQ is not inclined to grant further extensions for deadlines provided for in the FACD, however, the DEQ does agree to hold payment related to the CI in abeyance until additional data from further investigations is received and evaluated by the DEQ. The DEQ considers the CI incomplete and stipulated penalties are accruing pursuant to Section 16.2 of the FACD. The DEQ will evaluate assessment of stipulated penalties based on future compliance with the FACD. The DEQ encourages DCP to complete further investigations expeditiously.

July 20, 2018

If you have any further questions regarding this matter, please contact Ms. Rebecca Taylor, Project Manager, 517-284-5160; [taylorr@michigan.gov](mailto:taylorr@michigan.gov); or DEQ, Lansing District Office, 525 West Allegan Street, Lansing, Michigan 48909; or you may contact me.

Sincerely,



Susan Leeming, Director  
Remediation and Redevelopment Division  
517-284-5144

cc: Ms. Cindy Lang, BB & E  
Mr. Todd Fracassi, Pepper Hamilton, LLP  
Mr. Brian Negele, Michigan Department of Attorney General  
Ms. Kathleen Shirey, DEQ  
Mr. Joshua Mosher, DEQ  
Mr. Dennis Eagle, DEQ  
Ms. Rebecca Taylor, DEQ  
Mr. Dan McGeen, DEQ  
Mr. Bryan Grochowski, DEQ  
Ms. Carla Davidson, DEQ  
Ms. Lisa Agosta, DEQ  
Ms. Maureen Nelson, DEQ  
Ms. Alexandra Clark, DEQ  
Mr. Malcolm Meade O'Brien, DEQ